



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First and Final Account and Report of Executor and (2) Petition for Its Settlement, for (3) Allowance of Statutory Attorneys Fees, for (4) Proration of Debts Among Creditors and for (5) Final Distribution Under Will (Prob. C. 11002, 10810, 11420, 11640)

<b>DOD: 2-9-08</b>		<b>KELINA ANN WALKER</b> , Surviving Spouse and Executor with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 2-9-08 through 1-20-13	<p><b>Note:</b> Pursuant to Probate Code §13502, Petitioner filed an Election by Surviving Spouse to Administer Surviving Spouse's Community Property in Deceased Spouse's Estate on 10-16-08.</p> <p>1. Petitioner proposes partial payments to the creditors, but proposes to distribute the real property to herself because there is currently no equity. Petitioner states it would not benefit the estate or the creditors to order the house sold. <u>Need authority.</u></p> <p>The Court cannot authorize distribution until creditors are satisfied unless each creditor agrees to the proposed distribution.</p> <p>See §§ 11420, 11640.</p>
		Accounting: \$264,156.70	
		Beginning POH: \$260,315.05	
		Ending POH: \$262,156.70 (real property plus \$12,689.50 cash)	
		Executor (Statutory): Waived	
		Attorney (Statutory): \$566.27	
		The value of the decedent's residence has not been included in the statutory fee calculation because it has a negative equity of \$82,829.00.	
		The estate remaining for distribution consists of cash of \$12,122.93. The total amount of creditors' claims is \$108,935.87. Petitioner states the real property was valued at \$250,000.00 on the decedent's date of death. A recent reappraisal shows the value at \$180,000.00. However, the outstanding balance due on the mortgage on said home is \$262,829.41. Therefore, there is no equity in said property whatsoever.	
		Petitioner maintains that the property is not amenable to sale, in that forcing Petitioner to sell the home will not result in any benefit to the estate or the creditors. Instead, Petitioner proposes the Court distribute the real property pursuant to Decedent's will, which devises the entire estate to Petitioner as surviving spouse.	
		Petitioner proposed payment to the creditors as follows:	
		<b>SEE ADDITIONAL PAGES</b>	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	7-1-08	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Page 2

Petitioner proposes payment to the creditors as follows:

- Capital One Claim #1: \$434.22, plus the first 3.5818% of any other property not now known or discovered, up to the claim amount of \$3,901.85
- Capital One Claim #2: \$438.98, plus the first 3.6211% of any other property not now known or discovered, up to the claim amount of \$3,944.74
- Capital One Claim #3: \$51.69, plus the first .4264% of any other property not now known or discovered, up to the claim amount of \$464.54
- American Express c/o Estate Recoveries Inc: \$4,915.11, plus the first 40.5439% of any other property not now known or discovered, up to the claim amount of \$44,166.85
- Phillips and Cohen Associates: \$1,389.30, plus the first 11.4601% of any other property not now known or discovered, up to the claim amount of \$12,484.17
- Discover Financial Services LLC: \$544.70 plus the first 4.4931 % of any other property not now known or discovered, up to the claim amount of \$4,894.58
- West Asset Management for HSBC Bank: \$480.90, plus the first 3.9676% of any other property not now known or discovered, up to the claim amount of \$4,322.09
- West Asset Management: \$1,338.89, plus the first 11.0443% of any other property not now known or discovered, up to the claim amount of \$12,031.23
- Citibank c/o Phillips and Cohen Associates: \$2,529.05, plus the first 20.8617% of any other property not now known or discovered, up to the claim amount of \$22,725.82.
- Thereafter, any such property not now known or discovered is distributable to Petitioner.

## (1) First and Final Account of Executor and Petition for Its Settlement and (2) for Allowance of Fees and (3) for Final Distribution

DOD: 8-31-10		<b>PAUL A. FILLION</b> , Son and Executor with Full IAEA without bond, is Petitioner.  <b>Account period:</b> <b>8-31-10 through 10-31-12</b> Accounting: \$185,092.38 Beginning POH: \$125,000.00 Ending POH: \$168,187.10 (cash)  <b>Executor (Statutory): \$6,552.77</b>  <b>Executor (Reimbursement): \$66,999.37</b> Per Exhibit 3: Filing, publication, certified copies, funeral expenses, repair and renovation of residence, attorney costs advanced, dental work paid for Michele T. Fillion (owed to Petitioner – not reimbursement, but deducted from her share and added to Petitioner's share)  <b>Attorney (Statutory): \$6,552.77</b> (Credit of \$4,472.61 remaining in attorney trust account shall be applied for costs advanced, with the balance of \$2,080.16 to be paid from the estate account)  <b>Closing: \$2,000.00</b>  <b>Distribution pursuant to Decedent's will:</b>  Paul A. Fillion: \$47,279.11 Michele T. Fillion: \$43,279.11	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order 2-26-13:</b> Mr. Petty informs the Court that they have come to agreement as to what is fair and appropriate. The Court directs Mr. Roberts to submit a revised order with a declaration regarding the attorney fees. Continued to 3-12-13.  <b>Examiner Notes previously noted:</b> 1. The Court may require further information regarding Petitioner's request for reimbursement.  <u>Per Minute order, the following issue remains:</u> 2. Need declaration and revised order.
Cont: 022613			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	11-15-10		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			

Atty Keeler, William J. (for Michelle L. Eacret – Administrator/Petitioner)

Atty Burnside, Leigh W. (for Michelle L. Eacret – Administrator/Petitioner)

Atty LeVan, Nancy J. (for Robert Jones &amp; Denise Jones – Co-Administrators of the Estate of Sharon Rutherford)

## Petition for Approval of Settlement Agreement

DOD: 10/12/11		<b>MICHELLE L. EACRET</b> , Administrator of the Estate of James L. Rutherford, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Order.
		<b>Petitioner states:</b>	
Cont. from		1. James L. Rutherford died on 10/12/11 a day after having been involved in a car accident, in which his wife, Sharon Rutherford, died.	
	Aff.Sub.Wit.		
✓	Verified	2. Petitioner is the niece of James Rutherford and was appointed as Administrator of his estate on 03/16/12 and Letters of Administration were issued on 03/22/12.	
	Inventory		
	PTC	3. Robert Jones & Denise Jones are the nephew and niece of Sharon Rutherford and were appointed co-administrators of her estate on 03/14/12 and Letters were issued on 03/21/12.	
	Not.Cred.		
✓	Notice of Hrg	4. James & Sharon Rutherford jointly or individually owned several assets at the time of their deaths.	
✓	Aff.Mail		
	Aff.Pub.	5. On 10/29/12, at a mandatory settlement conference between the Administrators of the respective estates, a settlement agreement was reached and entered on the record, constituting a judicially supervised settlement. The parties executed a written agreement and Petitioner, brings this Petition for approval of the provisions of the settlement agreement. The pertinent terms of the settlement agreement are as follows:	
	Sp.Ntc.		
	Pers.Serv.	a. The Estate of James L. Rutherford will retain any and all life insurance proceeds payable to James L. Rutherford. Likewise, the Estate of Sharon Rutherford will retain any and all proceeds payable to Sharon Rutherford. To the extent any additional life insurance policies are discovered naming either of the decedents as the named beneficiary, such proceeds shall be paid to the estate of said named decedent.	
	Conf. Screen		
	Letters	Continued on Page 2	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: JF

Reviewed on: 03/06/13

Updates:

Recommendation:

File 4 - Rutherford

- b. All of the net proceeds from the sale of the Rutherford's residence located at 4711 N. 7<sup>th</sup> Street, Fresno, CA 93726, are deemed to be an asset of the Estate of James L. Rutherford.
- c. The Sowards Note dated 08/18/2000, is deemed to be an asset of both estates, with each estate holding an equal ½ interest in the Note and all sums due and payable under the terms of the Note. The Estate of Sharon Rutherford shall immediately remit to the Estate of James Rutherford ½ of all receipts from the Note received beginning 10/11/11. Any and all future payments by the obligors of the Sowards Note shall be divided equally between the estates until otherwise directed by the Court.
- d. The net proceeds of the estate sale shall be divided equally between the Estate of James Rutherford and the Estate of Sharon Rutherford. The box of personal property and memorabilia of Sharon Rutherford obtained by Pat Rutherford will be given to the Estate of Sharon Rutherford.
- e. The Estate of Sharon Rutherford may retain the insurance payoff for the Rutherford's vehicle that was damaged in the collision provided that the co-administrators present the Estate of James Rutherford with a true and correct copy of documentation from the California DMV establishing that Sharon Rutherford was the sole owner of the vehicle. If, however, the co-administrators fail to provide such documentation, or if either estate should obtain a copy of the vehicle title showing that such title was held in the names of both Sharon and James Rutherford, the insurance proceeds shall be divided equally between both estates.
- f. The Estate of Sharon Rutherford shall be responsible for payment of the creditor's claim filed by Ronald D. Jones in the matter of the Estate of James Rutherford and further set forth in *Ronald Dean Jones vs. Estate of James L. Rutherford, Michelle L. Eacret, Personal Representative*, Fresno Superior Court Case No. 12CESC01458.
- g. The Estate of James Rutherford waives any claim to Union Bank of California Accounts ending is 4913 and 9131 and any related account paid to Pingkham Thornburgh.
- h. The Estate of James Rutherford waives any claim to the Prudential annuity of which ½ is payable to Ronald D. Jones and ½ is payable to Pingkham Thornburgh.
- i. Each estate will turn over the defense of the litigation pending against it by John A. Edie to its insurance carrier. If either estate is found liable over and above policy limits, each estate will be responsible for the amount of such liability without contribution by the other estate.
- j. Each party to the settlement agreement shall be responsible for its own attorneys' fees and costs. The parties hereto further agree that in the event of any breach of any condition, promise or warranty contained in the agreement, the party breaching such condition, promise or warranty agrees to indemnify and hold harmless each of the others, including their successors and assigns for any and all damages caused by said breach, including but not limited to, all reasonable attorneys' fees and costs incurred by said parties, their successors and assigns, as a result thereof.
- k. The Petition, Applications and Objections before the Court shall all be withdrawn, with prejudice. The Fresno County Superior Court, Probate Department, will retain jurisdiction to determine any disputes related to the settlement agreement pursuant to California Code of Civil Procedure § 664.6.
- l. In consideration of the mutual promises and the representations and warranties made by each of the parties to the settlement agreement, each of the parties releases and forever discharges the others, their respective directors, officers, employees, agents, trustees, and attorneys, and the respective successors, assigns and heirs of each such person or entity, from any and all claims, demands, rights of action, causes of action or rights of indemnity, whether known or unknown, liquidated, matured or unmatured, howsoever arising from the beginning of time to the date hereof including but not limited to all claims and rights arising from or relating to the transactions, disputes, and litigations referred to above.

Continued on Page 3

m. The parties waive all rights and benefits which he or she has, or in the future may have, under § 1542 of the Civil Code of California, which provides as follows:

**CERTAIN CLAIMS NOT AFFECTED BY GENERAL RELEASE**

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

This waiver does not extend to the civil litigation brought against each estate by plaintiffs in *John A. Edie, et al. v. Michelle Eacret, et al.*, Fresno County Superior Court Case No. 12CECG03015. As concerning that litigation, each estate will be liable as ultimately determined in those lawsuits.

6. Petitioner submits that the settlement agreement and the pertinent provisions described above represent a fair and reasonable compromise of the litigation regarding the Estate of Sharon Rutherford. Petitioner thus requests the Court approve the settlement agreement pursuant to Probate Code § 9830 et seq.

**Petitioner prays for an Order:**

1. That notice of hearing of this Petition is approved;
2. That the Court approve the terms of the settlement agreement, as set forth in the Petition; and
3. For such other and further relief as the Court may deem just and proper.

Atty Tomassian, Gerald M., of Tomassian, Pimentel &amp; Shapazian (for Elizabeth R. Ludvickson)

(1) Waiver of Accounting and Petition for Final Distribution Under Will and (2)  
Allowance of Statutory Fees and Commissions [Prob. C. 11640, 10800, 10810]

<b>DOD: 10/24/2011</b>		<b>ELIZABETH R. LUDVICKSON</b> , step-daughter and Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from</b>		I & A — <b>\$56,975.08</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH — <b>\$29,014.76</b> (all cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>	Executor — <b>\$1,799.00</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney — <b>\$1,799.00</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/O	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Closing — <b>\$1,000.00</b> (reserve for closing costs and accountant's fees)	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Petitioner states</b> Decedent's Will was a statutory will form that he used to bequeath his entire estate to his spouse <b>HAZEL GOSS</b> , who predeceased him on 10/23/2011, and if she didn't survive, then to his "children." Decedent did not have any children, living or deceased; therefore, Petitioner believes the whole of his estate is distributable according to intestate succession (Probate Code §§ 6402.5 and 240).	
<input type="checkbox"/>	<b>Letters</b>	083012	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>	<b>Distribution pursuant to intestate succession, Declaration for Collection of Personal Property (Probate Code § 13101), and to Assignments of Interest filed 12/14/2012, is to:</b>	
<input checked="" type="checkbox"/>	<b>9202</b>	• ELIZABETH R. LUDVICKSON – <b>\$9,563.23 cash</b> ;	
<input checked="" type="checkbox"/>	<b>Order</b>	• LINDA L. FOX – <b>\$9,563.23 cash</b> ;	
<input type="checkbox"/>	<b>Aff. Posting</b>	• DAVID SCALES – <b>\$1,220.84 cash</b> ;	
<input type="checkbox"/>	<b>Status Rpt</b>	• SHANNON CAYWOOD – <b>\$2,034.73 cash</b> ;	
<input type="checkbox"/>	<b>UCCJEA</b>	• DAWN CAYWOOD-HALLFORD – <b>\$2,034.73 cash</b> .	
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 3/6/13
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File</b> 5 - Goss



<b>DOD: 8-25-11</b>		<b>SPECIAL ADMINISTRATION EXPIRES 8-24-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>					
		<b>ERIC SCHLOEN</b> , Special Administrator for the sole purpose of obtaining health care benefits for the decedent (Medi-Cal eligibility), is Petitioner.						
	<b>Aff.Sub.Wit.</b>							
✓	<b>Verified</b>							
	<b>Inventory</b>							
	<b>PTC</b>							
	<b>Not.Cred.</b>							
✓	<b>Notice of Hrg</b>							
✓	<b>Aff.Mail</b>	W						
	<b>Aff.Pub.</b>							
	<b>Sp.Ntc.</b>							
	<b>Pers.Serv.</b>							
	<b>Conf. Screen</b>							
✓	<b>Letters</b>							
	<b>Duties/Supp</b>							
	<b>Objections</b>							
	<b>Video Receipt</b>							
	<b>CI Report</b>							
✓	<b>9202</b>							
✓	<b>Order</b>							
	<b>Aff. Posting</b>							
	<b>Status Rpt</b>							
	<b>UCCJEA</b>							
	<b>Citation</b>							
	<b>FTB Notice</b>							
<p><b>Petitioner states</b> that in the original petition for probate filed 8-23-12, it was alleged that the value of the assets of the decedent subject to probate administration was \$0. Petitioner has searched diligently for assets but has not discovered any property of any kind that would be subject to administration. At all times prior to filing to the present time, the estate has been insolvent.</p> <p>The Special Administrator has concluded the reason and purpose of the estate (Medi-Cal eligibility) so there is no longer any need for continued administration.</p> <p>Petitioner prays for an order terminating further proceedings for the administration of the estate and discharging petitioner as the personal representative.</p>			<table border="1"> <tr> <td><b>Reviewed by:</b> skc</td> </tr> <tr> <td><b>Reviewed on:</b> 3-6-13</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 6 – Valdez-Lopez</b></td> </tr> </table>	<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 3-6-13	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 6 – Valdez-Lopez</b>
<b>Reviewed by:</b> skc								
<b>Reviewed on:</b> 3-6-13								
<b>Updates:</b>								
<b>Recommendation:</b>								
<b>File 6 – Valdez-Lopez</b>								

## (1) Waiver of Accounting and (2) Petition for Allowance of Statutory Fees to Attorney for Executor and (3) Petition for Final Distribution

<b>DOD: 04/10/12</b>		<b>MARIA G. RESENDES</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Petition indicates that some of the beneficiaries named in the will are deceased; however, their dates of death were not indicated in the Petition for Probate as required by Local Rule 7.1.1D. Need dates of death for: - Rafael Resendes - Marta G. Fields - Caridad G. Capote  2. The Petition proposes to distribute the entire estate to Maria G. Resendes and states that she is the sole beneficiary; however, the Codicil to the Will dated 12/04/03 appears to devise the decedent's residence to his niece Dr. Mariela Resendes. Therefore, it appears that the residence should be distributed to Mariela Resendes. Need clarification.  3. A waiver of accounting has been filed by Maria Resendes, but it appears that Dr. Mariela Resendes is also a beneficiary of the estate and therefore a waiver of accounting is needed from her or an accounting will be needed. Need clarification.  4. The Petition does not address whether the notice required under Probate Code § 9202(b) to the Victims Compensation Board is needed.	
		Accounting is waived.		
		I &A - <b>\$178,280.53</b>		
		POH - <b>\$178,280.53</b> (\$38,280.53 is cash)		
<b>Cont. from</b>		Executor - <b>waived</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$6,348.41</b> (statutory)		
<input checked="" type="checkbox"/>	<b>Verified</b>	<b>Distribution, pursuant to Decedent's will is to:</b>  Maria G. Resendes - \$38,280.53 cash plus real property		
<input checked="" type="checkbox"/>	<b>Inventory</b>			
<input checked="" type="checkbox"/>	<b>PTC</b>			
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			10/05/12
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			x
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			
			<b>Reviewed by:</b> JF <b>Reviewed on:</b> 03/06/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 7 - Fields</b>	

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## NEEDS/PROBLEMS/COMMENTS:

1. Need clarification regarding Fresno as proper venue pursuant to Probate Code § 17005. Petitioner alleges that the Settlor passed away a resident of Fresno; however, Petitioner states that Jacqui Belinda Jensen has been acting as Successor Trustee since the decedent's death on 3-27-10 (approximately three years). According to the Notice of Hearing filed 2-1-13, Ms. Jensen was served (with Notice of Hearing only - a copy of the petition was not included) at an address in Oro Valley, Arizona. How is Fresno the principal place of administration of this trust? Are there other factors that apply for venue here?
2. Petitioner does not provide details regarding requests for information from the current successor trustee. Was reasonable written request made without response in the required time period in accordance with Probate Code § 17200(b)(7)(B)? *Note: Without this action having taken place, the petition may not be properly before the Court. See Probate Code §§ 17209, 17200(b).*
3. The petition is not in compliance with Probate Code § 17201. The petition does not state the names and addresses of each person entitled to notice of the petition. Need verified supplemental declaration with this info. *(Note: Petitioner served Notice of Hearing on the successor trustee and nine others, but this list does not provide a verified statement as required by § 17201.)*
4. A copy of the trust was not provided. The Court may require a copy in order to make an order, in that an order regarding the trust inherently determines the existence of the alleged trust. *(Note: Providing a copy of the trust does not cure #3 above.)*
5. Petitioner states he is the named backup successor trustee and requests to be appointed without bond. However, a copy of the trust was not provided confirming this assertion. Pursuant to Probate Code § 15602, bond may be required if the trust does not waive bond. Alternatively, the Court may require waivers from all beneficiaries (unknown at this time per #3 above also).
6. If bond is required, need estimated value of trust assets upon which to base the bond amount.
7. Need order.

Pro Per Taylor, Josephine Shanae (Pro Per Petitioner)

## Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 4/26/2007		JOSEPHINE SHANAE TAYLOR, daughter and named alternate Executor without bond, is Petitioner,  Full IAEA – ?  Will Dated: 12/6/2005  Residence: Fresno  Publication: <b>Need</b>  <b>Estimated value of the Estate:</b> Real property - <b>\$150,000.00</b>  Total - <b>\$150,000.00</b>  <b>Probate Referee: Steven Diebert</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 1/15/2013.</u> Minute Order states the Court is advised that Sylvester Taylor, IV, is deceased. Examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects.  The following issues remain:  1. Copy of Decedent's Will is not attached to the <i>Petition</i> in Attachment 3e(2) as required. Need copy of Will to be filed for consideration with the <i>Petition</i> .  2. Need declination to act as personal representative from first-named Executor, <b>DEBRA E. TAYLOR</b> , spouse.  3. Court may require confirmation of proper mailed service based upon the <i>Proof of Service by Mail</i> filed 11/19/2012 showing that notice was mailed to the same residence address for all of the adult siblings of Decedent listed in <i>Item 8</i> of the <i>Petition</i> . If Decedent's siblings reside at different addresses, notice sent by mail must be mailed individually and directly to the persons entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2).  <b>~Please see additional page~</b>	
Cont. from 011513				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			X
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Aff. Posting			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: LEG
Reviewed on: 3/5/13
Updates:
Recommendation:
File 10 - Taylor

**NEEDS/PROBLEMS/COMMENTS, continued:**

4. Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.
5. Item 5(a) of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner, and (7) or (8) re: issue of a predeceased child.
6. Item 8 of the *Petition* should but does not list all persons mentioned in Decedent's Will, whether living or deceased. The following persons have been omitted from Item 8 of the *Petition*:
  - Carlin Marcell Davis, son;
  - Danillie Davis Blackwood, daughter;
  - DaJour Marcell Davis, grandson;
  - Elijah Ray Dixon, grandson.
7. Proposed letters are not signed by the Petitioner, and must be signed prior to their being issued to the Petitioner if Court approves the *Petition*.

**Note:** If petition is granted, Court will set status hearings as follows:

- **Friday, August 16, 2013 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, May 16, 2014 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 8 months		<b>TEMPORARY EXPIRES 03/12/13</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>DONYALE KINGSBY</b> , maternal grandmother, is Petitioner.		1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or <i>Consent &amp; Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: - Darwin Bush, Jr. (father?) <b>Note:</b> A notice of hearing for the hearing on the Temporary Guardianship was filed 01/28/13 reflecting personal service on Mr. Bush on 01/11/13, it is unclear however, if he was also served with a copy of the documents and also with a <i>Notice of Hearing</i> regarding the hearing on 03/12/13.  2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or <i>Consent &amp; Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: - Paternal grandparents - Maternal grandfather	
		Father: <b>UNKNOWN (Darwin Bush, Jr.?)</b> – <i>Personally served on 01/11/13</i>			
Cont. from		Mother: <b>SHAKIRA MONIQUE ROSEMOND</b> – <i>Personally served on 01/15/13</i>			
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.	Paternal grandparents: NOT LISTED			
<input checked="" type="checkbox"/>	Notice of Hrg	Maternal grandfather: NOT LISTED			
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input checked="" type="checkbox"/>	Pers.Serv.	<b>Petitioner alleges</b> that the mother is incarcerated and the father is unknown. Petitioner states that the mother gave Petitioner custody of the child.			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 03/06/13	
				Updates:	
				Recommendation:	
				File 11 - Bush	

Pro Per Smith, Connie F. (Pro Per Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

<b>Age: 1 year</b>		<b>NO TEMPORARY REQUESTED</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>CONNIE F. SMITH</b> , paternal grandmother, is Petitioner.		<b>1.</b> Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> <li>David L. Smith, father. (Note: <i>Proof of Service by Mail</i> filed 1/18/2013 shows notice was mailed to the father on 1/12/2013; however, personal service of notice is required.)</li> </ul>	
		Father: <b>DAVID LEROY SMITH</b>			
		Mother: <b>JENNIFER HARRINGTON</b> ; personally served 1/12/2013.			
<b>Cont. from</b>		Paternal grandfather: <i>Not listed</i> .			
	<b>Aff.Sub.Wit.</b>	Maternal grandfather: <i>Unknown</i>			
✓	<b>Verified</b>	Maternal grandmother: Tracy Little; personally served 1/12/2013.			
	<b>Inventory</b>	<b>Petitioner states</b> the child can't be with his mother, the child lives with Petitioner, and she wants to raise the child and provide a safe, loving home for him to grow up in. Petitioner states the child's father lives at home and is unemployed, but wants to raise his son, and Petitioner wants to allow the child a relationship with his father. Petitioner states the child's mother is employed but has current drug problems and no home.  <b>Petitioner requests</b> to be excused from giving notice to the maternal grandfather as his whereabouts are unknown to the mother or the family; and excused from giving notice to the paternal grandfather as he adopted the father of the child when he was age two but has had no contact with him in 28 years.  <b>Court Investigator Charlotte Bien's Report was filed on 3/1/2013.</b>			
	<b>PTC</b>				
	<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>				
✓	<b>Aff.Mail</b>				
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
✓	<b>Pers.Serv.</b>				
✓	<b>Conf. Screen</b>				
	<b>Aff. Posting</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
✓	<b>CI Report</b>				
	<b>Clearances</b>				
✓	<b>Order</b>				
✓	<b>Letters</b>				
	<b>Status Rpt</b>				
✓	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
				<b>2.</b> Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> <li>Maternal grandfather, unless Court excuses notice to him as Petitioner requests.</li> <li>Paternal grandfather, unless Court excuses notice to him as Petitioner requests.</li> </ul>	
				<b>Note:</b> <i>Proof of Service by Mail</i> filed 1/18/2013 shows notice was mailed on 1/12/2013 to the following persons who are not listed in the <i>Petition</i> , about whom Court may require more information: <ul style="list-style-type: none"> <li>Fred J. Smith, Jr.;</li> <li>William Harrington.</li> </ul>	
				<b>Reviewed by:</b> LEG	
				<b>Reviewed on:</b> 3/6/13	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 12 - Harrington</b>	